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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 032931/0253

In re patent application of Andrew D. MURDIN et al.

Serial No.: 09/868,987 Group Art Unit: 1645

For: CHLAMYDIA ANTIGENS AND CORRESPONDING DNA FRAGMENTS AND USES THEREOF

DECLARATION OF ANDREW D. MURDIN PURSUANT TO 37 C.F.R. §1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. I, Andrew D. Murdin, Ph.D., am one of the named inventors of the above-identified patent application and am fully familiar with the contents and prosecution thereof.

2. I am co-author of the publication entitled "Collaborative Multidisciplinary Workshop Report: Progress toward a *Chlamydia pneumoniae* Vaccine" (2000); Journal of Infectious Diseases. 181(Suppl 3):S552-7 ("the publication"). The publication reports on The Vaccine Development and Field Trials Workshop, which I participated in.

3. The information I reported in the publication relates to information generally discussed at the Workshop. The publication does not relate to my personal knowledge of unpublished scientific results obtained by Aventis Pasteur Limited, in the field of DNA vaccines against Chlamydia. My personal knowledge in this field, specifically as it relates to the subject of the present application, is the proprietary information of my employer, Aventis Pasteur Limited. The unpublished results obtained at Aventis Pasteur Limited relating to DNA vaccines against Chlamydia were not discussed at the Workshop.

4. My comments in the publication therefore relate only to general knowledge known to skilled workers who do not have access to unpublished scientific results obtained at Aventis Pasteur Limited. This is referred to in the publication at page S554, column 1, first paragraph, where it is stated that "much of the information is as yet unpublished".

5. In my personal opinion, having analysed data obtained at Aventis Pasteur Limited, at least one true candidate exists against Chlamydia, namely the vaccine which is subject of the present application.

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6. A focal point which provides the context in which Chlamydia vaccines were discussed at the Workshop is cardiovascular disease. This is referred to in the publication at page S554, column 1, fourth paragraph, where it states that "it is the association with cardiovascular disease that is currently driving much of the interest in a *C. pneumoniae* vaccine". It is only in the general context of cardiovascular disease that correlates of protection and vaccination in humans is discussed at the Workshop (page S556, column 1, first paragraph).

7. With respect to respiratory tract infections (RTI), there is sufficient knowledge for the development of a Chlamydia vaccine in human, given the effectiveness of the vaccine in rodent models as is demonstrated in the present application. This is referred to in the publication at page S554, column 1, fourth paragraph, where it states that "The vaccine industry has a wealth of experience in developing RTI vaccines, and clinical trials for RTI indications can be conducted much more quickly than those for cardiovascular indications, such as the prevention of atherosclerosis; therefore, the first trials conducted and the first product to be licensed will probably be for RTI indications."

8. I fully declare that all statements made in this declaration of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful statements and the like are punishable by fine or imprisonment under Section 1001 of Title 18 of the United States code and that such willful statements may jeopardize the validity of legal decisions of any nature based on them.

Respectfully submitted,

21st June 2002
Date

Andrew D. Murdin, Ph.D.

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